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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/552,042   | 09/19/2006  | Franck Baldet        | 2723-0145PUS1       | 6883             |
| 2292 7590 09/12/2008<br>BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| BROWN, DREW J  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 3616   |             |                      |                     |                  |
| NOTIFICATION DATE  |             | DELIVERY MODE        |                     |                  |
| 09/12/2008   |             | ELECTRONIC           |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

**Application No.**

10/552,042

**Applicant(s)**

BALDET, FRANCK

**Examiner**

DREW J. BROWN

**Art Unit**

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/19/06 (preliminary amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 8, and 9 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/3/06 & 10/3/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdon (U.S. Pat. No. 6,044,318) in view of Badarneh (U.S. Pub. No. 2003/0023353).

Bourdon discloses a passenger compartment having a steering wheel operated by the driver to steer the vehicle, a central control unit (13) which supervises operation of active components of the vehicle, and modifies the operating parameters of the active components to modify the dynamic performance of the vehicle, and a selection device (Figure 4 and rotary switch 30) which is located inside the passenger compartment of the vehicle and is operated by the driver to transmit a selected dynamic performance of the vehicle to the central control unit, the vehicle is characterized in that the selection device comprises a switch fitted to the vehicle and rotatable between at least four different positions, each corresponding to a respective dynamic performance of the vehicle, the switch can be rotated into a first position (winter) wherein the dynamic performance of the vehicle is set to drive on low grip road surfaces, and a second position (off road) wherein the dynamic performance of the vehicle is set to drive on low grip road surfaces in sport driving mode, a third position (sport) wherein the dynamic performance of the vehicle is set to drive on firm grip road surfaces in sport driving mode, and a fourth position (economy) wherein the dynamic performance of the vehicle is set to drive in safe conditions in touring driving mode. Bourdon also discloses that in order to modify the dynamic performance of the vehicle, the control unit acts on a servocontrol of a gearbox and on an electronic control controlling drive and response of the engine (column 3, lines 1-8), and on an electronic control controlling suspension response (column 3, lines 28-38).

Since the claim does not define exactly what is meant by the various modes selectable by the switch, the examiner has interpreted each mode as discussed above.

Bourdon does not disclose that the switch is fitted to the steering wheel of the vehicle and that to modify the dynamic performance of the vehicle, the control unit acts on an electronic control controlling the lock percentage of a self-locking differential and on an electronic control controlling the stability of the vehicle.

Badarneh, however, discloses a switch fitted to the steering wheel of a vehicle (Figure 15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Bourdon in view of the teachings of Badarneh to fit the switch to the steering wheel to provide an easier and faster operation for the driver. It was also common knowledge in the art at the time the invention was made that electronically controlling the lock percentage of a self-locking differential and controlling the stability of the vehicle is implemented to modify the dynamic performance of the vehicle.

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdon in view of Badarneh, and further in view of Leach et al. (EP 1078831 A2; cited by Applicant).

The combination of Bourdon and Badarneh discloses the claimed invention as discussed above but does not disclose that the switch can be set to a fifth position wherein the dynamic performance of the vehicle is set to track racing mode. Leach et al., however, does disclose a position wherein the dynamic performance is set to a track racing mode (paragraph 6), wherein electronic driver-aid devices are disabled when the switch is set to the track racing mode (paragraph 70). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Bourdon in view of the teachings of Leach et al. to include another position on the switch for track racing mode to provide the driver with the option to suppress an automatic yaw control for different ride characteristics.

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdon in view of Badarneh, and further in view of Onodera et al. (U.S. Pat. No. 6,349,616).

The combination of Bourdon and Badarneh discloses the claimed invention as discussed above but does not disclose that the steering wheel has a recessed seat housing the switch. Onodera et al., however, discloses a recess housing various switches (Figure 6), wherein a cover is provided and is hinged to the steering wheel to close the seat of the switch (Figure 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Bourdon in view of the teachings of Onodera et al. to have a recess for housing the switch in order to avoid accidentally changing the dynamic performance mode.

#### ***Allowable Subject Matter***

5. Claims 11-14 are allowed.
6. Claims 4, 6, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

7. The cited prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DREW J. BROWN whose telephone number is (571)272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Drew J. Brown  
Examiner  
Art Unit 3616

db  
9/5/08

/Paul N. Dickson/  
Acting SPE of Art Unit 3616